603.

SUPREME COURT OF THE UNITED STATES.

No. 28.

THE UNITED STATES, APPELLANT,

vs.

HEIRS OF F. M. ARREDONDO AND OTHERS.

APPEAL FROM THE SUPERIOR COURT OF EAST FLORIDA.

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Langtree & O'Sullivan, Print.

SUPERIOR COURT, *East Florida.*

Be it remembered that on the twenty-second day of May, in the year of our Lord one thousand eight hundred and twenty-nine, Fernando de la Maza Arredondo, senior,
children and heirs of Joseph de la Maza Arredondo, deceased, by Francis J. Fatio, their next friend and guardian; and Moses E. Levy, by John Drysdale, their solicitor, brought and filed in the clerk's office of the said court, their petition or claim to certain land therein mentioned; which said petition or claim is in the words and figures following, to wit:

Petition to the Court.

To the Honorable the Judge of the Superior Court for the Eastern District of the Territory of Florida.

The petition of Fernando de la Maza Arredondo, senior, and of , children and heirs of Joseph de la Maza Arredondo, deceased, by Francis J. Fatio, their next friend and guardian, and of Moses E. Levy, respectfully showeth:

That your petitioner claims title to all that certain tract or parcel of land, containing thirty-eight thousand acres, situated, lying, and being in that part of the Territory of Florida, known as East Florida, on a creek called Alligator creek, which said tract of land was originally granted to your petitioner, Fernando de la Maza Arredondo, a Spanish subject, in absolute property, on the 24th March, 1817, by Don Jose Coppinger, then the Governor of East Florida, and while it was a dependancy of the Crown of Spain, in virtue of the powers in him vested as Governor as aforesaid, as will more fully and at large appear by the grant or concession of said land bearing date the day and year aforesaid; reference being thereto had: That the said Fernando de la Maza Arredondo afterwards, for a full and valuable consideration paid to him by the said Moses E. Levy, sold and conveyed the said tract of land and its appurtenances by conveyance, bearing date the , to a certain mercantile house in Havana, in the Island of Cuba, known by the name, style, and firm of Hernandez and Cheauvileau, in trust for your petitioner, the said Moses E. Levy; that the said land was afterwards vested absolutely and beneficially in the said Moses E. Levy, by a conveyance of the same to one A. M. Cohen, and by the said Cohen to the said Moses E. Levy in fee simple absolute, as by the said different conveyances will fully and at large appear, reference being had thereto.

Your petitioners further show, that the said Moses E. Levy afterwards by indenture, bearing date the thirteenth day of July, 1824, granted, bargained, and sold by way of exchange, the one undi-

vided moiety or half part of the said tract of land and its appurtenances in fee simple absolute to the said Fernando and Joseph de la Maza Arredondo, as will fully appear by the said indenture, reference being thereto had; and your petitioners further show, that the said Joseph de la Maza Arredondo departed this life intestate in the year 18 , leaving your petitioners the said , his children and heirs at law, whereby one undivided fourth part of said land descended to, and became vested in them; and your petitioners annex to this their petition, copies of the said grant and the aforementioned conveyances, and pray that they may be taken and considered as a part of the same.

And your petitioners further show, that their claims to the said land have been duly submitted to the examination of the Board of Commissioners, appointed under and virtue of an act of the Congress of the United States, entitled "An act amending and supplementary to the act for ascertaining claims and titles to lands in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida," passed the third day of March, 1823; and that the lands so claimed by them, and situated in the Territory of Florida, as aforesaid, are embraced by the treaty between Spain and the United States, of the twenty-second of February, one thousand eight hundred and nineteen; that their claims thereto have not been decided or finally settled under the provisions of the act of Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," passed 23d May, 1828, or of any of the acts to which the said last recited act is supplementary; that the claim of your petitioners contain a greater quantity of land than the commissioners appointed under the said acts were authorized to decide, and above the amount confirmed by the aforerecited act of Congress passed the 23d May, 1828, and that the said claims to the said lands have not been reported by the said commissioners appointed under the aforesaid acts, or any other, or by the register and receiver acting as such under the several acts of Congress in that case made and provided, as antedated or forged.

Wherefore, your petitioners pray that the validity of their title to said land may be inquired into, and decided by this honorable court; and that due process may issue and be served according to the provisions of the acts of Congress in that case made and provided; and your petitioners will, &c.

JOHN DRYSDALE,
For Petitioners.

A copy of the foregoing petition, with a citation thereto annexed, was delivered to the marshal of this district to serve on the attorney of the United States for the same district; and the return of the said marshal thereon, is in the words and figures following, to wit:

"Served copy on Thomas Douglas, the 28th July, 1829.
"ISRAEL SMITH, *Deputy Marshal.*"

And afterwards, to wit, on the first day of March, in the year of our Lord one thousand eight hundred and thirty, Thomas Douglas, Esquire, United States attorney for the district of East Florida, brought and filed in the clerk's office aforesaid, his answer to the said petition; which said answer is in the words and figures following, to wit:

Answer of United States Attorney.

THE UNITED STATES OF AMERICA *ads.* F. M. ARREDONDO, &c. AND M. E. LEVY.	Superior Court, November Term, in the year 1829.

The answer of Thomas Douglas, United States attorney for the district of East Florida, to the petition or bill of complaint of Fernando de la Maza Arredondo, senior, and of , children and heirs of Joseph de la Maza Arredondo, deceased, by Francis J. Fatio, their next friend and guardian, and of Moses E. Levy.

The said attorney, in the name and for and on behalf of the same United States, saving and reserving to them now, and at all times hereafter, all and all manner of benefit of exception to the manifold errors, defects, and irregularities in the said petition or bill of complaint, contained for answer thereunto, or unto so much thereof, as it is material and necessary for them to answer unto, answereth and saith: That, whether any such grant of thirty-eight thousand acres of land was ever made or not to the said Fernando de la Maza Arredondo by Don Jose Coppinger, governor of East Florida, while it was a dependancy of the Crown of Spain, by a grant or concession of land, bearing date the 24th March, 1817, as the said petitioners have in their said petition or bill of complaint alleged and described; this respondent does not know, nor has he any knowledge of the making and execution of the several conveyances and indentures in the said petition or bill of complaint mentioned and described, and cannot, therefore, either admit or deny the same; but respectfully prays this honorable court to require of the said petitioners upon the hearing of this cause, due proof of the making and execution of the several conveyances or indentures aforesaid, if any such were ever made, and of all the matters and things in the said petition or bill of complaint alleged and set forth, as they are therein stated, according to law, and the usages of courts of equity.

And this respondent avers, that if any such concession or grant of the said thirty-eight thousand acres of land was made by the said Don Jose Coppinger to the said Fernando de la Maza Arredondo, it was made contrary to, and in violation of the laws, ordinances, and royal regulations of the Government of Spain, which were in force in the province of East Florida at the time when the said supposed concession or grant is alleged to have been made as aforesaid, providing for the granting of lands in its provinces, of which said provinces East Florida was then one, and without the due formalities in such cases prescribed thereby, and without any power or authority on the

part of the said Governor Coppinger to make the same, and that it was, and is wholly null and void, as will more fully appear by reference to the laws, ordinances, and royal regulations aforesaid, which this respondent prays leave to introduce and read on the hearing of this cause.

And this respondent further saith, that, at the time when the said supposed grant is alleged to have been made as aforesaid, no power or authority had been conferred upon the said Don Jose Coppinger by the Government of Spain aforesaid, to make grants of land in East Florida of the magnitude and description of the one now claimed and described by the petitioners aforesaid in this suit.

And this respondent further prays this honorable court, that the said petitioners may be required to show and prove on the hearing of this cause, the specific powers which had been conferred (if any power had been conferred) by the Spanish Government aforesaid upon the said Governor Coppinger, at the time when the said supposed grant or concession is alleged to have been made as aforesaid, to make grants or concessions of land in the said province of East Florida, and particularly that they may be required to show and prove the specific powers under which he claimed to act in making the supposed grant or concession aforesaid, if indeed any such concession or grant was ever made by him.

And this respondent further saith, that, if any such concession or grant as aforesaid, was ever made by the said Don Jose Coppinger to the said Fernando de la Maza Arredondo, senior, as is in the said petition or bill of complaint alleged and set forth, it was made since the twenty-fourth day of January, in the year of our Lord one thousand eight hundred and eighteen, and that it is consequently rendered entirely null and void by the provisions contained in the latter clause of eighth article of the same treaty between the said United States and Spain, which is in the said petition or bill of complaint mentioned, and that therefore this honorable court cannot take cognizance of said claim, or exercise any jurisdiction in this case.

And this respondent further saith, that, if the said supposed grant or concession of land was made at the time, and in the manner and form as is in the said petition or bill of complaint alleged, which is by no means admitted, the said Fernando de la Maza Arredondo and all and each of the petitioners who claim under him, have for a period of more than twelve years last past, to wit, ever since the date of the said supposed concession or grant, wholly failed and neglected to occupy, cultivate, or improve the said tract of land, or any part thereof, in any way or manner whatever, and that they and each of them, have thereby wholly forfeited and lost all right and title thereto, if such they ever had, and to every part and parcel thereof.

And this respondent further saith, that, at the time when the said supposed grant or concession is alleged to have been made as aforesaid, it was, and for a long space of time had been, the fixed and settled policy of the Government of Spain aforesaid, to parcel out its colonial domain with reference to the sole objects of increasing the population of its provinces, and of benefiting its indigent subjects,

and that according to that policy, grants of land for purposes of speculation were never approved or tolerated by the said Government, and that the aforesaid supposed grant was obtained (if it was obtained at all) by the said Fernando de la Maza Arredondo, senior, for purposes of speculation only.

And this respondent further saith, that, if any such concession or grant of land was ever made, as is in the said petition or bill of complaint alleged and described, the said Fernando de la Maza Arredondo, senior, through the intervention of his son of the same name, in order to induce the said Governor Coppinger to make the said concession or grant, represented to the said Governor Coppinger, that he, the said Fernando de la Maza Arredondo, senior, had the honor to have served his Majesty in distinct employments and commissions, and particularly in that of the Commissary of the Indians, without salary or any gratification whatever, in virtue of which commission, and that of contractor pro tem. of the royal military hospital of this place, to wit, of St. Augustine, which he also represented to the said Governor Coppinger, for the purpose aforesaid, that he had fulfilled for many years without salary or reward, and had acquired thereby distinguished merits, and had saved the royal treasury many thou sand dollars, and that he was also employed in the patrolling service, and had to perform the duties of aid-de-camp to his excellency the governor pro tem. of this place, Don Juan Jose de Estrada, owing to the invasion of this province in the year 1812, and to the want of officers to that service; and that he remained in that service until the year 1813, and that he was then elected parish and district elector of said province, and had to proceed to the city of Havana, where he alleged that he remained in capacity of one of the deputies who formed the provincial assembly, and in the discharge of the said occupations he had incurred many and considerable expenses, and that the said Governor Coppinger believing the said representations of the said Fernando de la Maza Arredondo to be true, made the concession or grant of land aforesaid, if he ever made it at all, in consideration of said supposed services and expenditures; and this respondent suggests, that the said representations were mere pretences, and that no such services had been rendered, and no such expenses incurred by the said Don Fernando de la Maza Arredondo, senior, and that if any such services had been rendered, or any such expenses incurred by the said Fernando de la Maza Arredondo, senior, at the time when the said supposed grant or concession is alleged to have been made, he had been amply compensated therefor; and that the said Arredondo had before that time obtained other lands in consideration of the same identical supposed services which are above mentioned, and particularly that the said Fernando de la Maza Arredondo, senior, and the said Moses E. Levy, now claim title to separate portions of a certain other tract of land, containing thirty thousand acres, situated in the district of East Florida aforesaid, which they allege was conceded or granted to the said Fernando de la Maza Arredondo, senior, on the same twenty-fourth day of March, in the year of our Lord one thousand eight hundred and seventeen, and which, if it was conceded

or granted at all by the said Governor Coppinger to the said Fernando de la Maza Arredondo, was conceded or granted to him, in consideration of the same identical services and expenditures above mentioned and enumerated, as will more fully appear by a reference to, and a comparison of the said supposed grants, and of the petitions of the said Fernando de la Maza Arredondo, senior, accompanying the same respectively.

And this respondent admits, that the claim of the said petitioners to the said tract of land was submitted to the examination of the Board of Commissioners, which is in the said petition or bill of complaint mentioned, but whether the said Board of Commissioners ever made any report thereon, this respondent is not advised, and respectfully suggests, that if it has not, this case is not properly before this court, and that this honorable court cannot take cognizance of said claim.

And this respondent does not admit, that the said Joseph de la Maza Arredondo departed this life intestate in the year 18 , leaving the said , his children and heirs at law, or that, if he, the said Joseph de la Maza Arredondo did thus depart this life, leaving the said , his children and heirs at law as aforesaid, one fourth or any portion of the said tract of land became thereby vested in them, but leaves the said petitioners to make proof thereof in the best way that they can.

And now having fully answered all the matters and things in the said petition or bill of complaint contained and alleged, the said attorney prays, that the said United States may be hereof discharged, and that their reasonable costs and charges by them, in and about the defence of this suit, paid, laid out, and expended, may be adjudged and decreed to them, &c.

THOMAS DOUGLAS,
United States Attorney, &c.

And afterwards, to wit, on the second day of October, in the year of our Lord one thousand eight hundred and thirty-one, the said claimants, by their said solicitor, brought and filed in the clerk's office aforesaid, their replication to the said answer; which is in the words and figures following, to wit:

Replication.

SUPERIOR COURT, *East Florida, October Term*, 1831.

F. M. ARREDONDO, &c., AND MOSES E. LEVY
vs.
THE UNTED STATES OF AMERICA. } Land Claim.

The replication of the said complainants to the answer of the United States, defendants, by their attorney, Thomas Douglas, Esquire.

These replicants saving and reserving to themselves, all and all manner of advantage of exception to the uncertainties and insufficiencies of the answer of the said defendants, for replication thereunto say, that they do and will aver, maintain, and prove their said bill to be true, certain, and sufficient in the law to be answered unto by the said defendants, and that the answer is very uncertain, evasive, and insufficient in the law to be replied unto by these replicants, without that that any other matter or thing in the said answer contained, material or effectual in the law to be replied unto, and herein and hereby well and sufficiently replied unto, confessed, or avoided, traversed or denied, is true, all which matters and things these replicants are ready to aver, maintain, and prove, as this honorable court shall direct, and humbly prays as in and by their said bill of complaint, they have already prayed.

J. DRYSDALE,
Solicitor for Complainants.

And afterwards, to wit, on the sixth day of August, in the year of our Lord one thousand eight hundred and thirty-four, the said claimants by their solicitors brought and filed in the clerk's office aforesaid, their bill of reviver; which is in the words and figures following, to wit:

Bill of Reviver.

SUPERIOR COURT, *East Florida.*

To the Honorable Robert R. Reid, Judge of the Superior Court for the Eastern District of Florida aforesaid, and specially authorized by an act of Congress to receive and adjudicate claims to land in the District of East Florida.

The petition of Brigida Gomez Arredondo, Dominga Arredondo, Dorothea Arredondo, Theresa Arredondo, Maria Manuella Arredondo, Rosa Arredondo, and others, the heirs of Fernando de la Maza Arredondo, deceased, respectfully shows unto your Honor, that the said decedant together with others, did, on the 22d day of May, in the year of our Lord one thousand eight hundred and twenty-nine, and within the time limited by the act of Congress in such case made and provided for filing claims to land in said superior court of East Florida, duly file his petition in said court, therein setting forth his claim to a certain tract of land, containing thirty-eight thousand acres, situated within said district of East Florida, and within the jurisdiction of said court, on each side of a creek, called Alligator creek, which empties into the Sawanee river.

That said claim had been submitted to the examination of the Board of Commissioners appointed under, and in virtue of an act of Congress, entitled "An act for ascertaining claims and titles to land in the Territory of Florida," &c., passed 3d May, 1823. That said claim was embraced by the treaty between Spain and the United

States of the 22d February, 1819; and that it had not been decided nor finally acted upon under the provisions of the act of Congress, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," passed 23d May, 1828, or of any of the acts to which the said act is supplementary. That said claim had not been reported by said commissioners appointed under any of the aforesaid acts of Congress in such case made and provided, as antedated or forged, and has not been annulled by the treaty aforesaid, nor the decree ratifying the same.

Your petitioners further show, that upon the petition of the said Arredondo, process from this court was duly issued to, and served upon Thomas Douglas, Esquire, attorney for the United States for the district of East Florida, and that the answer of the said United States was duly filed to said petition.

Your petitioners further show, that since the filing of said petition and answer, the said Fernando de la Maza Arredondo, senior, has departed this life, leaving your petitioners his only legal heirs. And your petitioners further show, that said suit and proceedings having become abated by the death of said Fernando M. Arredondo, as to him, the said Fernando M. Arredondo, your petitioners are entitled to have it revived against the said United States, prosecuted, and carried on, and to have the same cause put in the same state and condition as the same was in previous to the death of the said Fernando M. Arredondo.

To the end, therefore, that the said suit and proceedings which so became abated as aforesaid, may stand revived, and be in the same plight and condition as the same were at the time of the death of said Arredondo, or that the said defendant may show good cause for the contrary; your petitioners pray that process in this behalf do forthwith issue against Thomas Douglas, Esquire, attorney as aforesaid of the United States, in pursuance of the act of Congress in such case made and provided. And your petitioners will ever pray, &c.

SMITH AND LEVY, *for Claimants.*

A copy of the foregoing bill of reviver with scire facias thereto annexed, was delivered to the marshal of this district, to serve on the attorney of the United States for the same district; and the return of the said marshal thereon, is in the words and figures following, to wit:

"Served this 9th day of August, 1834, by delivering a true copy to Thomas Douglas, Esq., United States attorney.

SAMUEL BLAIR, *Marshal.*"

And afterwards, to wit, on the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and thirty-four, Thomas Douglas, Esq., United States attorney as aforesaid, brought and filed in the clerk's office aforesaid, his answer to the said bill of reviver; which said answer is in the words and figures following, to wit:

Answer to Bill of Reviver.

DISTRICT OF EAST FLORIDA, *Superior Court.*

The answer of Thomas Douglas, attorney of the United States for the district aforesaid, to the bill of reviver of Brigida Gomez Arredondo, Dominga Arredondo, Dorothea Arredondo, Theresa Arredondo, Maria Manuella Arredondo, Rosa Arredondo, who claim as heirs of Fernando de la Maza Arredondo, deceased, on behalf of themselves and others.

The said attorney in the name and for and on behalf of the same United States, saving and reserving to them now and at all times hereafter, all and all manner of benefit of exception to the manifold errors and defects in said bill contained, for answer thereunto, or unto so much thereof, as it is material and necessary for them to answer unto, answereth and saith, that it is true that the said Fernando de la Maza Arredondo, deceased, together with others, did, on the 22d May, in the year of our Lord one thousand eight hundred and twenty-nine, file his petition in the said court, as in the said bill of reviver is alleged, setting forth his claim to a certain tract of land therein described, containing 38,000 acres, situated within this district; and this respondent admits, that said claim had been submitted to the examination of the Board of Commissioners in said bill mentioned; but this respondent does not admit, that said claim was embraced by the treaty between Spain and the United States, of the 22d February, 1819, or that it had not been annulled by the said treaty, or the decree ratifying the same, but insists that it was not thus embraced, and that it was annulled by the latter clause of the 8th article of said treaty.

This respondent also admits, that upon the said petition process was duly issued, and served upon this respondent as in said bill of reviver is alleged, and that the answer of this respondent was duly filed to said petition; and that since the filing of said petition and answers, the said Fernando de la Maza Arredondo has departed this life, but whether the complainants are his legal heirs, or whether, if they are, they are his only legal heirs, this respondent does not know, and cannot, therefore, either admit or deny the same, but leaves the complainant to make such proof thereof, as they shall be able, at the hearing of this cause.

This respondent also admits, that said suit and proceedings have become abated by the death of said Fernando de la Maza Arredondo, but whether the complainants are entitled to have it revived against the said United States, this respondent does not know, and cannot, therefore, either admit or deny the same.

And this respondent further answering, saith, that he insists on behalf of the same United States, on all such right and title and interest in the premises, in the said bill of complaint mentioned, as they shall appear to have therein. And this respondent humbly submits the same to the judgment, order, and direction of this honorable court, and also humbly prays that this honorable court will take care of the

interest of the said United States in the premises; and denies, &c. without that, &c.

THOMAS DOUGLAS,
United States Attorney, &c.

And afterwards, before the superior court for the district of East Florida, holden at the courthouse in the city of St. Augustine, at the term of July, in the year of our Lord one thousand eight hundred and thirty-five, to which term this cause had come by regular continuance, to wit, on Thursday, the seventh day of said term, and the twenty-third day of said month; the following entry of record was made in this cause, to wit:

Hearing of Cause.

HEIRS OF FERNANDO M. ARREDONDO, Senior, and others
vs.
THE UNITED STATES OF AMERICA.
} Land Claim, 38,000 acres.

This day came as well the counsel for the said claimants, as the counsel for the United States, and the counsel for the said claimants having filed a bill of reviver in this case on behalf of Brigida Gomez Arredondo, Dominga Arredondo, Dorothea Arredondo, Theresa Arredondo, Maria Manuella Arredondo, Rosa Arredondo, and others, heirs of Fernando de la Maza Arredondo, deceased, and process thereupon having been issued and returned executed, and the answer of the United States attorney to said bill being also filed, the said counsel prays that this cause may proceed as to him the said Fernando M. Arredondo, in the name of the said heirs against the said United States; which is ordered accordingly. And this cause coming on to be heard this day, the petition of the said claimants, and the answer of the United States attorney, together with the replication of the said claimants were read to the court. The counsel for the said claimants offered in evidence a certified copy by the keeper of the public archives of East Florida, of the original memorial and grant for the land claimed in this case, together with a certified translation by the translator and interpreter of this court.

Joseph S. Sanchez was on this day sworn as a witness on the part of the claimant, examined, and his testimony taken; and by consent, leave is given the claimant to introduce in evidence the mesne conveyances in this case.

The counsel for the United States offered in evidence the testimony of Antonio Alvarez, taken in this case, to the receiving of which, in evidence, the counsel for the claimants objected, which objection was overruled by the court, and the said testimony admitted in evidence, but subject to the opinion of the court as to its admissibility, on hearing the argument in this cause.

And afterwards, at the same term of July, in the year of our Lord one thousand eight hundred and thirty-five, to wit, on Friday, the eighth day of said term, and the twenty-fourth day of said month, the following entry of record was made in this cause, to wit:

Hearing Continued.

THE HEIRS OF FERNANDO M. ARREDONDO, Senior, and others *vs.* THE UNITED STATES OF AMERICA.	Land Claim, 38,000 acres.

This day came as well the counsel for the said claimants, as the counsel of the United States, and the court proceeded in the further hearing of this cause; the counsel for the United States offered in evidence the certified copy of the memorial of F. M. Arredondo, senior, for 30,000 acres of land, and the concession for the same, dated 24th March, 1817, to the receiving of which, in evidence, the counsel for the claimant objected, which objection was overruled by the court, and the said document admitted in evidence, but subject to the opinion of the court as to its admissibility, on hearing the argument in this cause; the counsel for the said United States then offered in evidence the memorial of F. M. Arredondo, senior, for 2700 acres of land, and the concession for the same, dated 18th April, 1806; also, the royal title to the said Arredondo for the same land, dated 13th December, 1817, to the receiving of which two last mentioned documents in evidence, the counsel for the claimants objected, and the objection was sustained by the court, and the said evidence rejected.

And afterwards, at the same term of July, in the year of our Lord one thousand eight hundred and thirty-five, to wit, on Tuesday, the seventeenth day of said term, and the fourth day of the month of August, the following entry of record was made in this case, to wit:

Hearing Continued.

HEIRS OF FERNANDO M. ARREDONDO, Senior, and others, *vs.* THE UNITED STATES OF AMERICA.	Land Claim, 38,000 acres.

This day came as well the counsel for the said claimants, as the counsel of the United States; and the counsel for the United States offered in evidence in this case, a certified copy of the petition of the heirs of F. M. Arredondo, senior, to this court, for the confirmation of 15,000 acres; also, a certified copy of the petition of Moses E. Levy, to this court, for the confirmation of 14,500 acres, to the receiving of said documents in evidence, the claimant's counsel objected, which objection was overruled by the court, and the said documents

admitted in evidence, but subject to the opinion of the court as to their admissibility, on hearing the argument in this cause.

And the evidence and testimony in this case on both sides, being now concluded, this claim was submitted to the court for its decree thereon.

Evidence and testimony offered in this case at the hearing thereof; that numbered one and two, having been offered by the claimant; and that numbered from three to eight, inclusive, having been offered by the United States, to wit:

No 1.

Offered and read by Claimants.

Memorial of Arredondo for Grant of 38,000 *Acres.*

TRANSLATION.

HIS EXCELLENCY THE GOVERNOR:

Don Fernando de la Maza Arredondo, an inhabitant of St. Augustine, of Florida, and now a resident in the Havana, through his son of the same name, and of this place, represents to your Excellency: That he has the honor to have served His Majesty in distinct emyloyments and commissions, and particularly in that of the commissary of the Indians, without salary nor any gratification whatever, which commission he has fulilled with the greatest punctuality and disinterestedness to the satisfaction of all the governors of this place, promoting peace and good understanding with those savages, in virtue of which commission and that of contractor pro tem. of the Royal Military Hospital of this place, which he has also fulfilled for many years without salary nor reward, he has acquired distinguished merits, and has saved to the royal treasury many thousand dollars, as is well known to your Excellency, and to the royal departments of this place. Subsequently, when on account of his laborious services, he obtained to be exonerated from those employs, and quitted the service of His Majesty, in order to attend to other business, which might procure him the means of improving the situation of his family. He was employed in the patrolling service, and had to perform the fatiguing duties of aid-de-camp to his Excellency the governor pro tem. of this place, Don Juan Jose de Estrada, owing to the invasion of this province in the year 1812, and to the want of officers to do that service, in which he remained until the year 1813, when, as he was elected by the plurality of votes, and with due form, parish and district elector of this said province, he had to proceed to the city of Havana, where he remained in the capacity of one of the deputies who formed the Provincial Assembly, and in the discharge of said occupations, he has incurred many considerable expenses, to which, as a good subject, he subscribed with pleasure, in compliance to the interests of the King and of the country, being well persuaded that at some fu-

ture day all his services would be remunerated. In effect he has been informed that His Majesty by his royal order of the 29th of March, 1815, has provided that vacant lands be distributed as a reward to all the individuals who with arms in hand contributed to the defence of this said province, from the beginning of the insurrection in the year 1812; and as your petitioner is one of them, and entitled to said reward for the above mentioned reasons, and also for being one of the oldest inhabitants since the possession taken thereof by the troops of His Majesty, and whose family and slaves have increased in number, and he is one of those whom the laws and the royal provisions recommend to be attended to, both on account of their being the first settlers, and for their distinguished services, so that they may be preferred in the said distribution of lands.

Therefore, your petitioner supplicates your Excellency be pleased to grant him in absolute property, thirty-eight thousand acres of land, situated on the two banks of a stream which enters the Sawanee river, called Alligator creek, beginning at about seven miles west of an Indian town, called Alligator Town, situated northwestwardly about forty miles distant from Payne's Town, and about eighty miles from Buena Vista, which parts of the country are known under the name of Alachua; and in consideration that the situation and the present state of this province do not permit at this day to proceed to the survey and the demarkation of the said tract; and also, as the said survey could not be made for want of a surveyor, as Don Jorge Clarke who is the surveyor appointed by this Government, has other occupations, which prevent him from repairing to these parts. Your petitioner hopes from the justice of your Excellency, that you may be pleased to suspend the issuing of the title of property until he obtain the plot of the said tract, by which he may be enabled to designate with exactness the situation, boundaries, and other requisite circumstances, for the more perfect knowledge of the localities; as in the meantime the grant which your Excellency may be pleased to give him by your decree, in continuation will serve him as the title thereto, he wishes that when said title will be issued to him, it may be done with all the necessary requisites; this favor your petitioner hopes to receive from the justice of your Excellency.

St. Augustine of Florida, 21st of March, 1817.

FERNANDO DE LA MAZA ARREDONDO, JR.

Grant to Arredondo of 38,000 *Acres.*

DECREE.

ST. AUGUSTINE, 24th March, 1817.

In attention to the services specified by this party, and which are notorious and proved, and in the exercise of the faculties conferred on me by the laws and the royal provisions, I grant, in the name of His Majesty, and of his royal justice which I administer, in absolute property to Don Fernando de la Maza Arredondo, senior, the thirty-eight thousand acres of land which he solicits, in the place which he

designates, without prejudice to a third party, and the corresponding titles of property thereof, will be issued to him as soon as he present the plot made by the surveyor, and in the meantime this decree will be to him as an equivalent thereof in all its parts, and together with the preceding petition will be deposited in the archives of the notary of Government and of the royal domain, from where will be issued to the interested party a certificate thereof, authenticated in due form; in order that he may prove said grant, and enjoy the said lands, and dispose of them as he sees fit.

COPPINGER.

Before me, JUAN DE ENTRALGO,
Notary of the Government.

St. Augustine, 19th August, 1829.—I certify that the preceding is a correct translation of the Spanish document annexed.

A. GAY, *Translator and Interpreter of the Superior Court.*

No. 2.

Testimony of Joseph S. Sanchez.

HEIRS OF F. M. ARREDONDO and others
vs.
THE UNITED STATES OF AMERICA. } 38,000 acres.

July 23*d*, 1835.

Joseph S. Sanchez sworn as a witness in open court for the claimants. Upon reference being had by witness to bill of reviver: witness states that he knows the persons named in said bill of reviver to be the widow and reputed children and heirs of F. M. Arredondo, senior, deceased.

No. 3.

Offered and read by United States Attorney.

Testimony of Antonio Alvarez.

THE UNITED STATES
ads.
F. M. ARREDONDO and others. } Claim for 38,000 Acres of Land.

Interrogatories to be propounded to Antonio Alvarez, Esquire, a witness to be sworn and examined on behalf of the United States, before Elias B. Gould, Esquire, Presiding Justice of St. Johns county.

First. Did you or did you not hold some office, or act as clerk in some office under the Spanish Government of East Florida, which

had some relation to the granting of the public lands. If you did, when, how long, and what office?

Second. Do you, or do you not know one Fernando de la Maza Arredondo, senior, if you do, please to state how long you have known him, and how long he resided in East Florida (if he ever resided there) before its transfer to the United States, and particularly whether all the grants of land made by the Spanish Government of East Florida to Fernando de la Maza Arredondo, senior, in East Florida, were or were not made to the same identical Fernando de la Maza Arredondo, senior?

Third. Where is the above mentioned tract of 38,000 acres of land situated; please state how far it is west of the St. Johns river, and how far west of Black creek?

THOMAS DOUGLAS,
United States Attorney.

SUPERIOR COURT, *District of East Florida.*

THE UNITED STATES *ads.* F. M. ARREDONDO and others. } Claim for 38,000 Acres of Land.

The testimony of Antonio Alvarez to the interrogatories propounded to him in the above causes. The said Alvarez being first duly sworn.

To the first interrogatory witness answers, that he held the office, of clerk in the office of government secretary, from 1807 till 1821, with two short intervals.

Second. Witness knows the said Arredondo, senior, and has known him as long as he has had any recollection. Witness cannot tell how long he resided in East Florida previous to its transfer; he went to Cuba in 1813 or 1814, but resided here many years previous to that time. All grants of land made in East Florida to Fernando de la Maza Arredondo, senior, were made to the same Arredondo referred to in this interrogatory.

Third. Witness says, that he knows nothing of the location of the grant except from what appears from the papers in his office.

ANTONIO ALVAREZ.

Sworn and taken before me, the 22d day of May, 1832.

E. B. GOULD,
Presiding Justice of St. Johns County.

No. 4.

Offered and read by United States Attorney.

TRANSLATION.

Memorial of Arredondo for Grant of 30,000 Acres.

His Excellency the Governor:

Don Fernando de la Maza Arredondo, an inhabitant of St. Augustine of Florida, and residing at this time in Havana, by means of his son of the same name, and of this city, states to your Excellency, that he has the honor of having served His Majesty in distinct employs and occasions, and particularly for more than twenty years in the capacity of Indian Commissioner, without pay nor gratification whatever, which employ he has exercised with the greatest exactness and disinterestedness to the satisfaction of all the governors of this place in behalf of peace and good harmony with those savages, under which commission, and under that of contractor pro tem. of the Royal Military Hospital of this place, which he has fulfilled for many years without stipend nor remuneration, he has acquired distinguished merits, and has saved to the royal treasury many thousand dollars, as it is well known to your Excellency, and proved in the royal offices of this place. Afterwards, when on account of his fatuing employs, he obtained to be exonerated from this charges, and to separate himself from the service of His Majesty, in order to attend to other affairs which might procure to him the means of promoting the interest of his family, he was employed in the patrolling service, and in the discharge of the fatiguing duties of aid-de-camp of the governor pro tem. of this place, Don Juan Jose de Estrada, owing to the invasion of this province in the year 1812, and to the scarcity of officers for this service, in which he was engaged until the year 1813, when he was elected by the majority of votes, and with due solemnities, the parish and district elector of this said province, and had to repair to the city of Havana, where he remained as one of the deputies who formed the provincial convention, for which charges, and in his fulfilling the same as a good subject ought to do, he has incurred many considerable expenses, which he sustained with pleasure, and which he considered as well applied in behalf of the King and of the country, being well persuaded that at some future day he would be remunerated for them. In effect, he has been informed, that His Majesty, by his royal order of the 29th March, 1815, has commanded to reward with the distribution of royal lands, all the individuals who with arms in hand contributed to the defence of this said province since the insurrection commenced in the year 1812, and as the narrator is one of them, and entitled to said favors for this reason, and also in his capacity of a settler, who has increased his family and slaves, and of one of the oldest since the reception of this province by the armies of His Majesty, and of those whom the laws and the royal orders recommend to be attended to, both on account of their quality of first

settlers, as on account of the quality of their distinguished services, to be preferred in the said distribution. Therefore, your petitioner supplicates your Excellency to be pleased to grant to him in absolute property, thirty thousand acres of land; that is to say, fifteen thousand southwest of the great pond known under the name of Lake George, to be surveyed in such a manner that a stream of fresh water which runs there, be the middle of the front of said tract; and the remaining fifteen thousand west of the river St. John, commencing its survey at the old pass of the Chocochate Indians, in front of the place where the house of Panton and Leslie had a store, known under the name of Upper Store, south of the great pond, known under the name of Lake George, and running south until completing the number of acres; and in consideration that the situation of the said lands, and the actual circumstances of this province do not permit that the survey and the demarkation of the said tracts be at this day carried into effect, which survey could not moreover take place, as there is no surveyor who may be sent, as Don Jorge Clarke, who is appointed as such, by this Government, has other avocations which give him no time to come to these parts. Your petitioner hopes, from the justice of your Excellency, that you will be pleased to suspend the execution of the titles of property until he procures the plots of the said tracts, in order to be enabled to extend with exactness the situation, limits, and other necessary objects for the more perfect knowledge of the places, as in the meantime the grant which your Excellency may think proper to give him by your decree in continuation, will be to him as a title; and it is his wish, that when the said title is issued to him, it may contain all the necessary requisites; which favor he hopes to receive from the justice of your Excellency.

St. Augustine of Florida, 21st March, 1817.

FERNANDO DE LA MAZA ARREDONDO, Jr.

Grant to Arredondo for 30,000 *Acres.*

DECREE.

St. Augustine, 24th of March, 1817.

In attention to the services which this party specifies, which services are proved and notorious, and in the exercise of the faculties which are conferred on me by the laws and by the royal dispositions, I grant, in the name of His Majesty, and of his royal justice, which I administer in absolute property, to Don Fernando de la Maza Arredondo, the father, the thirty thousand acres of land in the places which he designates, without prejudice to a third party, for which the corresponding titles of ownership will be issued to him as soon as he presents the plots made by a surveyor; and in the meantime this decree of concession will serve him as an equivalent in all its parts, which decree, together with the preceding petition, will be deposited in the notary's office of the Government and of the royal domain; from which will be issued to the interested party a certified copy in due form of the whole expedient, in order that he may pr ve the said

grant, and use the said lands, and dispose of them as may best suit him.

COPPINGER.

Before me,

JUAN DE ENTRALGO,
Notary of the Government and of the Royal Domain.

St. Augustine, 23d September, 1831.—I certify that the preceding is a correct translation of the Spanish document annexed.

A. GAY, *Translator and Interpreter of the Superior Court.*

No. 5.

Offered in evidence on the part of the United States—rejected by the court.

TRANSLATION.

Memorial of Arredondo for Grant of 2700 Acres.

PETITION.

His Excellency the Governor:

Don Fernando de la Maza Arredondo, an inhabitant and merchant of this place, with the greatest respect represents to your Excellency, that he finds himself with a numerous family and slaves, for whom he has not obtained any grant of land whatever, which grants are given to the settlers of this province in conformity to the favors, provided by His Majesty, and as your petitioner wishes to employ himself with his slaves in the cultivation of lands, and at the same time form an establishment for raising cattle, which in time may be useful to the inhabitants; he, therefore, respectfully supplicates your Excellency to be pleased to grant him for the said end, two thousand seven hundred acres of land, out of those that are vacant on the south margin of the river St. Johns, and at a place known in the time of the British dominion under the name of Dunn's Lake; bounding on the principal winds with vacant lands. Which favor he hopes to receive from the justice of your Excellency.

St. Augustine of Florida, 17th of April, 1806.

FERNANDO DE LA MAZA ARREDONDO.

Grant to Arredondo for 2700 Acres.

DECREE.

St. Augustine, 18th of April, 1806.

I grant to the petitioner the two thousand seven hundred acres of land which he solicits, and in the place which he indicates, and for the object which he expresses, without prejudice to a third party, and

until the corresponding quantity be surveyed to him; and for his security, let the secretary's office issue to him the necessary certificate which will serve him as a title in form.

WHITE.

CERTIFICATE.

I, Don Thomas de Aquilar, sub-lieutenant of infantry, and secretary of this Government for His Majesty, do certify that the preceding copy is faithfully drawn from the original which remains in the secretary's office under my charge; and in compliance of what is ordered in the superior decree, I give the present as the interested party has manifested, that he has mislaid the original.

St. Augustine of Florida, on the ninth of October, one thousand eight hundred and fourteen.

THOMAS DE AQUILAR.

St. Augustine, 22d September, 1831.—I certify that the preceding is a correct translation of the Spanish document annexed.

A. GAY, *Translator and Interpreter of the Superior Court.*

No. 6.

Offered in evidence on the part of the United States—rejected by the court.

TRANSLATION.

Royal Title to Arredondo for 2700 Acres.

Don Jose Coppinger, Colonel of the Royal Armies, Civil and Military Governor pro tem., and Chief of the Royal Domain of this place of St. Augustine of Florida, and of the Province thereof for his Majesty:

Whereas in a royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, His Majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sabastian Kindelan, for the officers and soldiers of the regular and of the militia corps, and for other individuals of this province who contributed to the defence thereof in time of rebellion, one of said favors consisting in the distribution of lands: And whereas Don Fernando de la Maza Arredondo, senior, did present himself and solicited and obtained from this Government on the seventeenth of April, one thousand eight hundred and six, two thousand seven hundred acres of land, out of those that are vacant on the south margin of the river St. John, and at a place known in the time of the British dominion under the name of Dunn's Lake; said tract bounding on the four principal winds with vacant lands, as it appears by the certificate issued by the secretary of the Government, bearing date of the ninth of October, one thousand eight hundred and fourteen, for which

mentioned lands Don Fernando de la Maza Arredondo, junior, has solicited in the name and in virtue of a power of attorney of his father aforesaid, that the title of property be issued to him in virtue of the said favors, and in virtue of the merits and the services rendered, which entitle him to the said favors, to which I thought proper to accede by my decree of the eleventh of the current month, rendered in the expedient relating thereto, which exists in the archives of the present notary.

Therefore, I have determined to grant, as in the name of His Majesty I do grant to the aforesaid Don Fernando de la Maza Arredondo, senior, the mentioned two thousand and seven hundred acres of land in the place already indicated, without prejudice of a third party, for himself, his heirs, and successors, in absolute property, and to issue to him as by these presents I do issue the corresponding title, by which I divest the royal domain of the right and dominion which it had to said tract, and I cede and transfer the same to the mentioned Don Fernando de la Maza Arredondo, his heirs and successors, in order that in consequence thereof, they possess it as their own, use and enjoy it without any encumbrance whatever, with all its inlets, outlets, uses, customs, rights, and services, which it has had, has, and which in fact and of right appertain and may relate to it; and in order that, if it is their will, they may sell, cede, transfer, and alienate it, as may best suit them. To the whole of which I interpose my authority as far as I can, and of right ought, in virtue of the sovereign will.

Given under my signature, and countersigned by the subscribed notary of the Government and of the royal domain, in this city of St. Augustine of Florida, on the thirteenth of December, one thousand eight hundred and seventeen.

JOSE COPPINGER.

By order of his Lordship:

JUAN DE ENTRALGO, *Notary of the Government and of the Royal Domain.*

St. Augustine, 23d September, 1831.—I certify that the preceding is a correct translation of the Spanish document annexed.

A. GAY, *Translator and Interpreter of the Superior Court.*

No. 7.

Offered and read by United States Attorney.

Petition of Arredondo to Court for 15,000 *Acres.*

To the Honorable the Judge of the Superior Court for the Eastern District of Florida.

The petition of Fernando de la Maza Arredondo, respectfully showeth: That he claims title to all that certain tract or parcel of land, situate, lying, and being on the west side of lake George, in

the district aforesaid, and within the jurisdiction of this honorable court, and containing fifteen thousand acres. That said fifteen thousand acres are part and parcel of a certain large tract or parcel of land, consisting of thirty thousand acres, which was originally granted without condition and in absolute property by a concession or grant bearing date the 24th March, 1817, to said Fernando de la Maza Arredondo, a subject of the King of Spain, and a resident inhabitant of East Florida, by Don Jose Coppinger, then the governor of East Florida, while it was a province and dependancy of the Crown of Spain, under and in virtue of the powers and authority in him vested as governor as aforesaid.

Your petitioner further shows, that the said fifteen thousand acres of land were afterwards located and surveyed on the west side of Lake George in East Florida aforesaid, at a place called Silver Spring, and has such form, dimensions, and boundaries, as in and by the plat and certificate of survey of the said land, bearing date the 5th August, 1819, will fully and distinctly appear, reference being thereto had. And your petitioner prays leave to refer to the aforesaid concession, and the plat and certificate of the survey of the said land at the hearing of this cause, and that they may be taken as a part of this his petition.

And your petitioner further shows unto your Honor, that the claim of your petitioner to the said fifteen thousand acres of land has been duly submitted to the examination of the Board of Commissioners appointed under, and in virtue of an act of Congress of the United States, entitled "An act amending and supplementary to the act for ascertaining claims and titles to land in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida," passed the 3d day of March, 1823, and by it recommended for confirmation; and that the said land so claimed by your petitioner, and situated in the Territory of Florida as aforesaid, are embraced by the treaty between Spain and the United States, of the 22d February, 1819; that his claim thereto has not been decided or finally settled under the provisions of the act of the Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," passed the 23d May, 1828, or of any of the acts to which the said last recited act is supplementary; that the claim of the said Fernando de la Maza Arredondo to the said lands was for a greater quantity than the commissioners under the said act were authorized to decide, and above the amount confirmed by the aforerecited act of Congress, passed the 23d May, 1828; and that the said claim of the said Fernando de la Maza Arredondo has not been reported by the said commissioners appointed under any of the aforesaid acts or any other, or by the register and receiver acting as such, under the several acts of Congress in that case made and provided, as antedated or forged.

Wherefore, your petitioner prays that the validity of his title to the said fifteen thousand acres of land so claimed by him as aforesaid, may be inquired into, and decided by this honorable court, and that due process may issue and be served, according to the provisions of

the acts of the Congress of the United States in such case made and provided. And your petitioner will ever pray, &c.

JOHN DRYSDALE,
Attorney for Petitioner.

SUPERIOR COURT, *Clerk's Office, St. Augustine, July 24th*, 1835.

I hereby certify that the foregoing is truly and correctly copied from the original on file in my office.

Witness my hand the day and year above written.

K. B. GIBBS, *Clerk.*

No. 8.

Offered and read by United States Attorney.

Petition of M. E. Levy to Court for 14,500 *Acres.*

To the Honorable Joseph L. Smith, Judge of the Superior Court for the District of East Florida.

The petition of Moses E. Levy, a citizen of the United States, and an inhabitant of the Territory of Florida, respectfully showeth: That he claims title to a certain tract or parcel of land, containing fourteen thousand five hundred acres, situate, lying, and being in that part of the Territory of Florida known as East Florida, and within the jurisdiction of this honorable court; which said fourteen thousand five hundred acres of land, are part and parcel of a larger body, consisting of thirty thousand acres of land, originally conceded or granted in full and absolute property, by a concession or grant made on or about the twenty-fourth day of March, one thousand eight hundred and seventeen, to one Don Fernando de la Maza Arredondo, senior, a subject of His Majesty the King of Spain, by Don Jose Coppinger, then the governor of the province of East Florida aforesaid, and while it was a dependancy of the Crown of Spain, under and in virtue of the authority and powers vested in him as governor as aforesaid for that purpose, as will more fully and at large appear by a reference to the said concession and the memorial of the said Arredondo, praying the grant of the said lands, a copy whereof marked Exhibit A, is hereto annexed; and your petitioner prays that they may be taken as a part of this his petition. And that the said fourteen thousand five hundred acres of land, part and parcel of the said thirty thousand acres, were afterwards located and surveyed on the west side of the St. Johns river, the lines thereof commencing on the north at the old path of the Chocochate Indians, and the dimensions, lines, and boundaries thereof, are fully set forth and explained in the plat and the certificate of the survey thereof, hereto annexed, marked Exhibit B, which your petitioner prays may be taken as a part of this his petition; and also, in the absolute and royal title or grant to the said lands, which were made to the said Arredondo on or about the nineteenth August, one thousand eight hundred and nineteen, as will

appear by a reference to the said royal title, a copy whereof is hereto annexed, marked Exhibit C; and your petitioner prays that the said royal title may be taken as a part of this his petition.

And your petitioner further shows, that the fourteen thousand five hundred acres of land were afterwards, to wit, on or about the third day of August, one thousand eight hundred and twenty, sold, transferred, and conveyed in absolute property, to a certain mercantile house in Havana, in the Island of Cuba, known by the name and style of Hernandez and Chaviteau, by the said Arredondo, as will fully appear by a reference to his conveyance thereof to them, a copy whereof is hereto annexed, marked Exhibit D, and were by the said Hernandez and Chaviteau sold and transferred in fee simple absolute to one Abram M. Cohen, as will appear by a reference to the conveyance thereof, a copy whereof is hereto annexed, marked Exhibit E; and by the said Abram M. Cohen, the said lands were transferred and conveyed in fee simple absolute to your petitioner, as will fully and at large appear by a reference to the conveyance thereof to him hereto annexed, marked Exhibit F, which said conveyances your petitioner prays may be taken as a part of this his petition.

And your petitioner further shows, that since the purchase of the said lands by him, he has at very great expense and trouble, made a settlement upon the said lands at a place thereon called Hope Hill; and that he has erected houses and buildings of various descriptions on the said land, and has cultivated a considerable portion thereof, and made other beneficial improvements thereon.

And your petitioner further shows, that the claim of your petitioner to the said fourteen thousand five hundred acres of land has been submitted to the examination of the Board of Commissioners, appointed under and in virtue of an act of the Congress of the United States, entitled "An act amending and supplementary to an act for ascertaining claims and titles to lands in the Territory, and to provide for the survey and disposal of the public lands in Florida," passed the 3d day of March, 1823, and has by the said commissioners been recommended for confirmation.

And your petitioner further shows unto your Honor, that the said lands so claimed by him, and situated within the Territory of Florida as aforesaid, were embraced by the treaty between Spain and the United States, of the twenty-second of February, one thousand eight hundred and nineteen, and that the grant thereof is not annulled by the said treaty, or by the ratification thereof by the King of Spain; that his claim thereto has not been decided, or finally settled under the provisions of the act of the Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," passed the 23d May, 1828, or of any of the acts to which the said last recited act is supplementary; that the claim of your petitioner contains a greater quantity of land than the commissioners appointed under the said act were authorized to decide; and above the amount confirmed by the aforesaid act of Congress, passed 23d May, 1828, and that the said claim of your petitioner for the said lands has not been re-

ported by the commissioners appointed under any of the aforesaid acts, or any other, or by the register and receiver acting as such under the several acts of Congress in that case made and provided, as antedated or forged; but on the contrary thereof, was recommended for confirmation as aforesaid.

Wherefore, your petitioner prays that the validity of his title to the aforesaid tract or parcel of land so claimed by him as aforesaid, may be inquired *inquired* into and decided by this honorable court, and that due process and citation may issue and be served according to the acts of the Congress of the United States in such case made and provided. And your petitioner will ever pray, &c.

JOHN DRYSDALE,
Attorney for Petitioner.

CLERK'S OFFICE, SUPERIOR COURT,
St. Augustine, July 24, 1835.

I hereby certify the above to be a true and correct copy of the original on file in my office.

Witness my hand the day and year above mentioned.

K. B. GIBBS, *Clerk.*

And afterwards, before the superior court for the district of East Florida, holden at the courthouse in the city of St. Augustine, at the term of July, in the year of our Lord one thousand eight hundred and thirty-seven, to which term this cause had come by regular continuance, to wit, on Monday, the fourteenth day of said term, and the second day of the month of October, the following decree of confirmation was entered of record in this cause, to wit:

Decree of Confirmation.

BRIGIDA GOMEZ ARREDONDO, widow of Fernando de la Maza Arredondo, senior, deceased, DOMINGA ARREDONDO, DOROTHEA ARREDONDO, THERESA ARREDONDO, MARIA MANUELLA ARREDONDO, ROSA ARREDONDO, and others, the heirs of Fernando de la Maza Arredondo, senior, deceased, and , children and heirs of JOSEPH DE LA MAZA ARREDONDO, deceased, by Francis J. Fatio, their next friend and guardian, and MOSES E. LEVY
against
THE UNITED STATES OF AMERICA.
} Land Claim, 38,000 acres.

Whereas Fernando de la Maza Arredondo, senior, and , children and heirs of Joseph de la Maza Arredondo, deceased, by Francis J. Fatio, their next friend and guardian, and Moses E. Levy, did, in pursuance of the act of Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," and approved 23d day of May, 1828, on the 22d day of May, 1829, file

their petition for the confirmationof certain land therein mentioned, in the clerk's office of the superiorcourt for the eastern district of Florida; and afterwards, to wit, on the 6th day of October, 1834, the above named widow and heirs of the said Fernando de la Maza Arredondo, senior, deceased, filed their bill of reviver in this cause; and whereas the attorney of the United States for this district did duly appear and answer the said petition, as also the bill of reviver aforesaid; and this cause having been heard, and evidence and argument of counsel as well on the part of the said claimant as on that of the United States, having been offered and submitted to the court, and the court having examined the claim of the said petitioners, and the answer of the attorney of the United States, together with the exhibits and evidence filed in this cause, and having maturely considered the same, doth order, adjudge, and decree, that this claim is valid, and that, in accordance with the laws and customs of Spain, and under and by virtue of the late "treaty of amity, settlement, and limits between the United States of America and the King of Spain," ratified by the President of the United States on the 22d February, 1821, and under and by virtue of the laws of nations and of the United States, It is hereby confirmed, adjudged, and decreed unto the said claimants, to the extent for the number of acres, and at the places as in the memorial of the said Fernando de la Maza Arredondo, senior, by his son of the same name, to the governor, and the grant of the governor thereon, is set forth, to wit: "Thirty-eight thousand acres of land, situated on the two banks of a stream which enters the Sawanee river, called Alligator creek, beginning at about seven miles west of an Indian town, called Alligator Town, situated northwestwardly about forty miles distant from Payne's Town, and about eighty miles from Buena Vista; which parts of the country are known under the name of Alachua."

And afterwards, at the same term of July, in the same year, and on the same day and month, the following appeal was entered of record in this cause, to wit:

Appeal.

THE UNITED STATES OF AMERICA *ads.* The widow and heirs of FERNANDO DE LA MAZA ARREDONDO, senior, deceased, the children and heirs of JOSEPH DE LA MAZA ARREDONDO, deceased, and MOSES E. LEVY.	Land Claim, 38,000 Acres.

This day came as well the attorney of the United States for this district, as the solicitor for the said claimants, and the said attorney of the United States moved the court that an appeal be granted in this case on behalf of the said United States from the decree of this court to the Supreme Court of the United States; and that a citation, with notice of said appeal may be forthwith issued by the clerk of this

court to the appellees, and that the same may be served by the marshal of said district upon the said appellees or their solicitor or agent, and returned to this court within thirty days from the issuing thereof; all of which is ordered accordingly.

In pursuance of the forgoing order, a citation of appeal was duly issued in this cause; and which said citation and the return of the marshal of this district, are in the words and figures following, to wit:

Citation of Appeal.

In the name and by the authority of the United States of America:

To Brigida Gomez Arredondo, widow of Fernando de la Maza Arredondo, senior, deceased, Dominga Arredondo, Dorothea Arredondo, Theresa Arredondo, Maria Manuella Arredondo, and others, the heirs of Fernando de la Maza Arredondo, senior, deceased, and , children and heirs of Joseph de la Maza Arredondo, deceased, by Francis J. Fatio, their next friend and guardian, and to Moses E. Levy, or to their agent, attorney, or solicitor, greeting:

You are hereby cited and admonished, that an appeal has been taken on the part of the United States from the decree of the superior court of East Florida to the Supreme Court of the United States, in a certain claim to thirty-eight thousand acres of land, wherein you, the said widow and heirs of Fernando de la Maza Arredondo, senior, deceased; the children and heirs of Joseph de la Maza Arredondo, deceased, and Moses E. Levy, are claimants, and the said United States, respondent, and that the record in said cause will be forwarded to the said Supreme Court to be placed on the docket of said court at the next term thereof, to be holden on the second Monday of January next.

Witness the Honorable Robert Raymond Reid, Judge of our [SEAL.] said court, at the courthouse in the city of St. Augustine, this third day of October, A. D. 1837.

K. B. GIBBS, *Clerk.*

THOMAS DOUGLAS,
District Attorney.

J. L. SMITH AND D. LEVY,
Solicitors for Claimants.

Executed by serving copy of this process on Joseph L. Smith, Esq. October 9th, 1837.

JOHN M. FONTANE,
Deputy Marshal.

SUPERIOR COURT, *District of East Florida.*

I, Kingsley B. Gibbs, clerk of the said court for the district aforesaid, do hereby certify that the foregoing forty-four pages contain a full, true, and complete transcript of the record and proceedings had in the case therein named in my charge.

In witness whereof, I have hereto set my hand, at the city of St. Augustine, this twenty-first day of February, one thousand eight hundred and thirty-eight.

K. B. GIBBS, *Clerk.*

By the Honorable Robert Raymond, Reid, Judge of the Superior Court for the District of East Florida, to all to whom these presents shall come, be seen, or made known, greeting:

Know ye, that Kingsley B. Gibbs, who hath signed the foregoing attestation, is clerk of the superior court for the district of East Florida; that all due faith and credit are, and ought to be given to his acts as such, and that the foregoing attestation is in due form of law.

In testimony whereof, I have hereunto set my hand, and caused the seal of the said court to be hereunto affixed,
[L S.] this twenty-first day of February, A. D. 1838, and of the independence of the United States of America the sixty-second year.

ROBERT RAYMOND REID.